

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION**

**MITCHELL MARBURY,**

**Plaintiff,**

**vs.**

**WARDEN DEWAYNE ESTES, et al.,**

**Defendants.**

**Case No. 4:18-CV-00925-CLS-JHE**

**ORDER**

The magistrate judge filed a report and recommendation, recommending that all claims in this action, “except [for] the Eighth Amendment claims against defendants Este, Specks, and Graham for failure to protect [plaintiff, Mitchell Marbury,] from an excessive risk of inmate-on-inmate violence and provide adequate security,” be dismissed without prejudice pursuant to 28 U.S.C. § 1915A(b)(1) for failing to state a claim upon which relief can be granted. Doc. no. 18, at 10-11 (alterations supplied). It was further recommended that the remaining claims be referred to the magistrate judge for additional proceedings. *Id.*

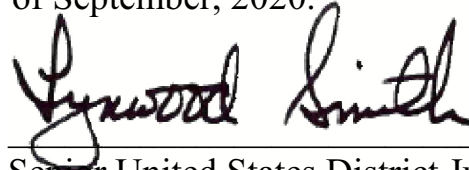
Although the magistrate judge advised plaintiff of his right to file specific written objections within fourteen days, no objections to his report and recommendation have been received by the court.

Having carefully reviewed and considered all the materials in the court file,

including the magistrate's report and recommendation, the report is hereby ADOPTED, and his recommendations are ACCEPTED. It is, therefore, ORDERED, ADJUDGED, and DECREED that all of plaintiff's claims, except for his Eighth Amendment claims against defendants Este, Specks, and Graham for failure to protect him from an excessive risk of inmate-on-inmate violence and provide adequate security, are DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1915A(b).

The remaining claims are REFERRED to Magistrate Judge John H. England, III, for all further proceedings.

**DONE** and **ORDERED** this 29th day of September, 2020.

A handwritten signature in black ink, appearing to read "Lynwood Smith". The signature is written in a cursive, flowing style. The first name "Lynwood" is written with a large, prominent "L" and "y". The last name "Smith" is written with a large, prominent "S" and "M".

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Senior United States District Judge